

DAVID FAUPEL,)
)
Plaintiff,)
)
vs.) Case No. 4:09CV1659 RWS
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

This matter is before the Court on appeal from an adverse ruling of the Social Security Administration. The Court referred this matter to United States Magistrate Judge David D. Noce for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On December 28, 2010, Judge Noce filed his recommendation that the decision of the Commissioner be affirmed and that the case be dismissed. No objections to the report and recommendation were filed.

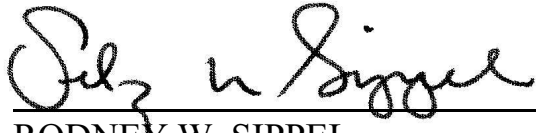
After careful consideration, the Court will adopt and sustain the thorough reasoning of Magistrate Judge Noce set forth in support of his recommended ruling noted in the Report and Recommendation of December 28, 2010 and will affirm the decision of the Commissioner and dismiss the case.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation dated December 28, 2010 [#24] is adopted in its entirety.

IT IS FURTHER ORDERED that the decision of the Commissioner is affirmed and the case is dismissed.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of January, 2011.